

3731



PTO/SB/21 (modified)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>		U.S. Department of Commerce Patent and Trademark Office	Application Number	10/033,614
			Filing Date	December 26, 2001
			First Named Inventor	Albert K. Chin
			Group Art Unit Number	3731
			Examiner Name	Unassigned
Total Number of Pages in This Submission		10*	Attorney Docket Number	80121-06410

ENCLOSURES (check all that apply)	
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REMARKS: *Page count does not reflect references.	

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Signature:		
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355	Dated: 8/21/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Albert K. Chin, Dwight Morejohn, Charles S. Taylor
APPLICATION NO.: 10/033,614
FILING DATE: December 26, 2001
TITLE: Temporary Seal And Method For Facilitating Anastomosis
EXAMINER: Unassigned
GROUP ART UNIT: 3731
ATTY. DKT. NO.: 80121-06410

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose. A concise explanation in accordance with 37 CFR §1.98(a)(3) of the relevant portions of the cited references that are not in the English language are believed to be set forth in each of the associated English abstracts, and as follows:

Reference RU 125870: Figures 1-3 and the associated descriptions disclose a punch device for forming a hole in tissue, and the device includes a tissue-penetrating mechanism.

Reference DE 1160573 (Dr. med. Paul Ludwig): Figures 1-4 and the associated descriptions disclose a medical punch for forming a hole in tissue, and the device includes a tissue-penetrating mechanism.

Reference DE 19650204 C2 (Aesculap AG & Co.): Figures 1-2 and the associated descriptions disclose a medical punch for forming a hole in tissue, and the device includes an anvil mechanism.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference

in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:

- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No.[APPLICATION NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

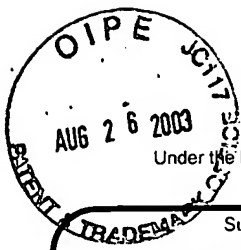
☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
ALBERT K. CHIN ET AL.

Dated: 8/21/03

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				Examiner Name	Unassigned
Sheet	1	of	6	Attorney Docket Number	80121-06410

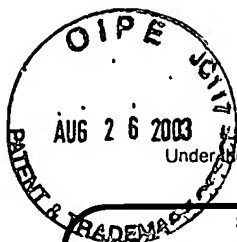
U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-2003/0065347 A1	04-03-2003	Gifford, III et al.
		US-D472,318 S	03-25-2003	Solem
		US-2003/0023251 A1	01-30-2003	Gifford, III et al.
		US-6,491,705 B2	12-10-2002	Gifford, III et al.
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		US-6,488,636 B2	12-03-2002	Bryan et al.
		US-2002/0177865 A1	11-28-2002	McIntosh
		US-2002/0173809 A1	11-21-2002	Fleischman et al.
		US-2002/0151914 A1	10-17-2002	Gifford, III et al.
		US-6,451,034 B1	09-17-2002	Gifford, III et al.
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		US-6,416,527 B1	07-09-2002	Berg et al.
		US-2002/0087175 A1	07-04-2002	Gifford, III et al.
		US-2002/0082626 A1	06-27-2002	Donohoe et al.
		US-2002/0082614 A1	06-27-2002	Logan et al.
		US-2002/0077637 A1	06-20-2002	Vargas et al.
		US-2002/0065474 A1	05-30-2002	Viola
		US-6,387,105 B1	05-14-2002	Gifford, III et al.
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		US-6,371,964 B1	04-16-2002	Vargas et al.
		US-2002/0038127 A1	03-28-2002	Blatter et al.
		US-2002/0029050 A1	03-07-2002	Gifford, III et al.
		US-2002/0029049 A1	03-07-2002	Gifford, III et al.

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STATEMENT BY APPLICANT****Complete if Known**

Application No.	10/033,614
Filing Date	December 26, 2001
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Sheet 2 of 6

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-2002/0029007 A1	03-07-2002	Bryan et al.
		US-2002/0019643 A1	02-14-2002	Gifford, III et al.
		US-2001/0001122 A1	05-10-2001	Gifford, III et al.
		US-2001/0047179 A1	11-29-2001	Gifford, III et al.
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		US-6,080,176	06-27-2000	Young
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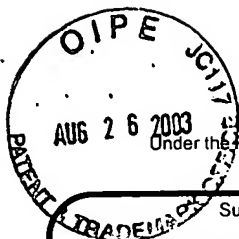
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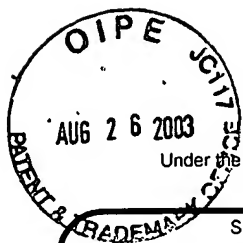
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		US-6,007,495	12-28-1999	Matula
		US-5,984,940	11-16-1999	Davis et al.
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		US-5,192,294	03-09-1993	Blake, III

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Attorney Docket Number	80121-06410

Sheet 4 of 6

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		US-5,172,702	12-22-1992	Leigh et al.
		US-5,129,913	07-14-1992	Ruppert
		US-5,018,530	05-28-1991	Rank et al.
		US-5,005,585	04-09-1991	Mazza
		US-4,961,430	10-09-1990	Sheahon
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		US-4,785,826	11-22-1988	Ward
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		US-3,683,891	08-15-1972	Eskridge et al.

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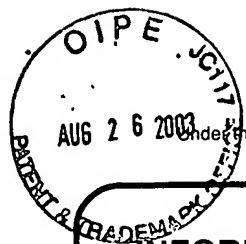
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Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-3,628,524	12-21-1971	Jamshidi
		US-3,561,429	02-09-1971	Jewett
		US-3,394,699	07-22-1965	Koett
		US-3,104,666	09-24-1963	Hale et al.
		US-2,919,692	01-05-1960	Ackermann
		US-2,850,007	09-02-1958	Lingley
		US-1,867,624	07-19-1932	Hoffman
		US-1,052,374	02-04-1913	Parr

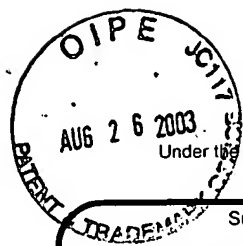
FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		WO 03/030753 A1	04-17-2003	Genzyme Corporation	
		WO 02/47561 A1	20-06-2002	By-Pass, Inc.	
		WO 02/47532 A2	06-20-2002	By-Pass, Inc.	
		WO 02/32324 A2	04-25-2002	Tyco Healthcare Group LP	
		WO 02/32323 A2	04-25-2002	Tyco Healthcare Group LP	
		WO 02/32293 A2	04-25-2002	Imagyn Medical Technologies California, Inc.	
		WO 02/074188 A2	09-26-2002	By-Pass, Inc.	
		WO 02/058568 A1	08-01-2002	Tyco Healthcare Group LP	
		WO 00/74579 A2	12-14-2000	St. Jude Medical Cardiovascular Group, Inc.	
		WO 00/69349	11-23-2000	Vascular Innovations, Inc.	
		WO 00/69346	11-23-2000	Vascular Innovations, Inc.	
		WO 00/59380	10-12-2000	Coalescent Surgical, Inc.	

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		WO 00/56226	09-28-2000	By-Pass, Inc.	
		WO 99/62415	12-09-1999	By-Pass Ltd.	
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